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November 26, 2023

Hon. Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Courtroom 6C-S
Brooklyn, New York 11201

Re: *LaNasa, et al. v. Stiene*, 22-cv-5686

Your Honor:

I am counsel to the Plaintiffs in the above-referenced civil action.

As a supplement to my earlier letter I received a response after I filed my letter. As such, Plaintiffs agree to the following amendments and corrections as set forth by the Defendants' counsel in an email received this afternoon::

- The January 23, 2023 first amended complaint (FAC), directing you to retract false representations regarding Lanasa's criminal history and drop Lois as a Defendant.
- Although you have expressed no intent to remove, e.g., the five specific false allegations the FAC makes against Lois, which we brought to your attention in detail, for the purpose of this email, I consider you to be making a reasonable effort to comply with the portion of our Rule 11 notice directed to the FAC.
 - Plaintiffs' **April 18, 2023** brief in opposition to Defendants' Fed. R. Civ. P. 12(b) motion to dismiss also stated "it is false" to refer to Plaintiff Lanasa as "a convicted criminal" or "a party having a 'criminal history.'"
- You ignored 100% of this request, which remains particularly important in view of the fact that the Court has yet to render a decision on this dispositive motion. Defendants' strongly object to this status quo, *i.e.*, permitting the Court to render a decision predicated upon multiple false representations in Plaintiffs' opposition papers.
 - Plaintiffs' **October 25, 2023** opposition to Defendants' October 20, 2023 letter motion memorializing Lanasa's perjurious statements again falsely informed the Court that "Mr. Lanasa does not have [a] criminal record," continuing to mislead the Court by indicating *the FBI* confirmed "Mr. Lanasa does not have the criminal record" we brought to your attention by providing you a certified copy of a Lanasa criminal conviction no later than May 8, 2023 (*see, e.g.*, ECF No. 35).
- You ignored 100% of this request.
 - Plaintiffs' **November 6, 2023** response (ECF No. 53) to Defendants' October 31, 2023 letter motion *again* stated "Plaintiff LANASA has no criminal history other than an incident that happened in 1989 while on leave from the Army," and continued to falsely

state “Defendants were totally silent regarding their Discovery demands until their filing on the last day of Discovery (October 31).”

To be clear: Plaintiffs waive any arguments and claims based upon an assertion that Mr. Lanasa had no criminal record. And, withdraw any claims as against Lois Stiene, based upon Defendants’ counsels’ representations.

Hopefully, this will obviate the need for further Motion practice on these issues, and allow the case to proceed on the merits.

Respectfully submitted,

/s/ Bernard V. Kleinman
Bernard V. Kleinman, Esq.
Attorney for Plaintiffs

cc: All counsel of record by ECF